

Annual Equality and Diversity Report 2020-21

Issue

1. The annual report on the OfS's equality and diversity objectives and action plan.

Recommendations

2. The board is invited to:
 - a. Note the legal context for this work, based on OfS's compliance with the general Public Sector Equality Duty (PSED) and specific duties of the Equality Act 2010, which relate to people with protected characteristics, as well as duties and functions in the Higher Education and Research Act (HERA), which refer to students from groups which are under-represented in higher education.
 - b. Note the developments since the 2019-20 report¹, including the continued impact of the coronavirus pandemic, the content of government guidance, issues raised by students and other issues in the public domain.
 - c. Note the update on work across OfS contributing to our equality and diversity objectives (Annex A) and advise on any changes that should be made to them before they are published.
 - d. Note the equality and diversity data published in June 2021 on OfS staff² and students in English higher education.³
 - e. Note that the board agreed its equality objectives in July 2018 with a four-year duration, so we intend to engage the board in reviewing and publishing a new set of objectives and associated actions in summer 2022.

¹ 2019-20 report is item 6.1 at July 202 Board. Available at: Annual update on equality, diversity and inclusion available at: <https://www.officeforstudents.org.uk/about/board-papers/ofs-board-meeting-2-july-2020/>

² Available at <https://www.officeforstudents.org.uk/publications/staff-at-the-ofs-equality-diversity-and-inclusion-statistics> (2021.17), published on 8 June 2021.

³ Available at: <https://www.officeforstudents.org.uk/data-and-analysis/equality-diversity-and-student-characteristics-data/> (2021.15), published on 8 June 2021.

- f. Advise on any issues the board would like to be considered in relation to the delivery of the equality objectives and their review next year.

Further information

3. Available from Chris Millward, Director for Access and Participation, or Amy Norton, Head of Equality, Diversity and Inclusion.

Background

4. To ensure that the legal requirement to publish equality information on an annual basis is fulfilled, the report (this paper) should be published on the OfS website by the end of July 2021.

Legal context

5. This paper relates to OfS's compliance with the specific duties of the Equality Act 2010 to publish equality information and progress against our objectives on an annual basis.
6. The Equality Act 2010 places a general duty (the Public Sector Equality Duty) on public sector bodies (including the OfS and publicly-funded higher and further education institutions) to have due regard to the need to:
 - a. Eliminate unlawful discrimination, harassment and victimisation;
 - b. Advance equality of opportunity between people who share a protected characteristic⁴ and persons who do not share it; and
 - c. Foster good relations between people who share a protected characteristic and persons who do not share it.
7. The general duty is underpinned by specific duties to publish transparent information about those affected by our work. The OfS achieves this by ensuring that our annual equality objectives⁵ and action plan for 2018-22⁶ are published on our website⁷, as well as publishing equality and diversity data about higher education students' characteristics and OfS staff.⁸
8. Since March 2018, there has also been a duty, which applies to all organisations employing over 250 people, to publish a set of calculations and data relating to their gender pay gap. This applies to the OfS and the annual publication date is annually on 31 March. The OfS published

⁴ The equality duty covers the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status. This means that the first aim of the duty applies to this characteristic but that the other aims (advancing equality and fostering good relations) do not apply. For additional information: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

⁵ See: <https://www.officeforstudents.org.uk/about/equality-and-diversity/>

⁶ Available at: <https://www.officeforstudents.org.uk/media/5dd6ffe-f585-401a-a8b8-d00d00c89e7e/ofs-eandd-statementand-objectives-action-plan.pdf>

⁷ Available at: <https://www.officeforstudents.org.uk/media/cdc6bf2-94b9-45d4-a3b1-f1a54d8c4a8a/ofs-eandd-statement-and-objectives.pdf>. The inaugural version was approved by the board in July 2018.

⁸ See notes 2 and 3 on page one.

its first gender pay report in March 2020 and in June 2021 we published a full analysis of staff equality and diversity characteristics.

9. The PSED is a duty to have 'due regard' rather than to meet the needs directly, but the three aims of the PSED must be consciously considered in a way which is meaningful, rigorous and substantial, and not a tick box exercise. The expectation is that equality should be at the centre of policy making, side by side with all other pressing circumstances of whatever magnitude. The public body should also pay reasonable regard to any countervailing factors.⁹
10. The Equality and Human Rights Commission (EHRC) is responsible for monitoring and enforcing the PSED for all public authorities listed in the Equality Act 2010 and has a statutory power to institute judicial review proceedings where a public authority may have failed to comply with the PSED. If the EHRC suspects that an authority is not complying with the PSED it has the power to conduct an assessment and, if necessary, serve a compliance notice on the authority requiring it to address the non-compliance. Separately, an aggrieved party who feels a public authority has not complied with the PSED can bring their claim by way of judicial review.
11. The OfS has an additional legal basis for promoting equality of opportunity through the Higher Education and Research Act (HERA) 2017¹⁰, which includes among the general duties that the OfS must have regard to 'the need to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers.' Sections 29-35 of HERA make provision for the approval of an access and participation plan, which is concerned with promoting equality of opportunity for groups which are under-represented in higher education. Schedule 1 of HERA makes provision for the Director for Fair Access and Participation to be a member of the OfS board responsible for overseeing the access and participation functions. There will be a new Director for Fair Access and Participation from January 2022.
12. Our guidance on access and participation plans, which is published in Regulatory Notice 1¹¹, explains the relationship between the work we deliver to meet our equality objectives under the PSED, which relate to people with protected characteristics, and those we deliver through our access and participation functions, which relate to students from groups which are under-represented in higher education. The guidance states:

'Throughout this guidance the OfS refers to 'underrepresented groups'. The OfS uses this term as the focus of access and participation plans within the governing regulations (section 32 of HERA and the Higher Education (Access and Participation Plans) (England) Regulations 2018).¹² It includes all groups of potential or current students where the OfS can identify gaps in equality of opportunity in different parts of the student lifecycle. In determining the groups

⁹ Case law has helped to define 'due regard'. R (Brown) v. Secretary of State for Work and Pensions [2008] EWHC 3158 established the six '**Brown Principles**'; and Stuart and others v Secretary of State for Work and Pensions [2013] EWCA Civ 1345 per McCombe LJ at section 60.

¹⁰ Available at: <https://www.legislation.gov.uk/ukpga/2017/29/contents/enacted>

¹¹ See: <https://www.officeforstudents.org.uk/advice-and-guidance/regulation/the-regulatory-framework-for-higher-education-in-england/regulatory-notice-1>

¹² See: <https://www.legislation.gov.uk/ukdsi/2018/9780111162422>.

falling within this definition, the OfS has given due regard to students who share particular characteristics that are protected under the Equality Act 2010.

We aim in all of our work to be evidence-based and never lose sight of the individuality of each student. Therefore, the OfS expects providers to consider the way in which these characteristics combine to increase underrepresentation. For example, white British men and women from lower socioeconomic backgrounds are among the most underrepresented groups in higher education. Therefore, within its definition, the OfS includes male and female students in combination with the characteristics above.

There are also student groups with protected characteristics under the Equality Act 2010 where data is collected at a national level, for example in relation to religion and belief, sexual orientation and gender identity (reassignment). Whilst reporting of this data is now mandatory, gaps in disclosure and absence of comprehensive historical data currently prevent the OfS from determining whether they are underrepresented at different points of the student lifecycle. The OfS will revisit this as the quality and longevity of evidence improves. There is some evidence of disadvantage or additional barriers for students who intersect both protected characteristics and underrepresented groups (for example sexual orientation and mental health) in higher education.'

13. The OfS's equality objectives and priorities are fully reflected in our strategy and embedded within our consideration and monitoring of all aspects of our business plan and performance measures.
14. We currently have eight equality and diversity objectives across our functions as a regulator, a public body and an employer:
 - a. **Objective one:** The OfS will develop, implement, and consult on our EDI objectives, evidence base, impact assessments and action plan to ensure successful implementation of our Public Sector Equality Duty (PSED).
 - b. **Objective two:** The OfS will conduct and publish rigorous and influential analysis, research and insight into EDI (including the protected characteristics and socio-economic disadvantage) issues across the student lifecycle.
 - c. **Objective three:** The OfS will challenge the sector to significantly reduce gaps in access, success and progression for students from all backgrounds and identities and across all disciplines.
 - d. **Objective four:** The OfS will work to address the risk of some students not receiving a high-quality higher education experience.
 - e. **Objective five:** The OfS will work to reduce the risk that some students are prevented from maximising their outcomes through their higher education experience and therefore not maximise their potential in terms of employment or further study.
 - f. **Objective six:** Fostering inclusive leadership and an inclusive and open culture.
 - g. **Objective seven:** Supporting staff to build diversity and inclusion into their work
 - h. **Objective eight:** Behaving as an inclusive employer which attracts and retains the widest pool of talent where all staff have the opportunity to unlock their potential.

Relevant data

15. Key data and information is available alongside this report:

- a. Annex A: OfS performance on equality and diversity – review of objectives, July 2021.
- b. A routinely updated equality and diversity action plan – available online.¹³
- c. OfS June 2021 publications: ‘OfS Staff Equality, Diversity and Inclusion statistics’ (OfS 2021.17) and ‘Equality, Diversity and Student Characteristics Data’ (OfS 2021.15).¹⁴
- d. The most recent data on our key performance measures on the OfS website.¹⁵

Discussion

Delivering equality and diversity at the OfS in 2020-21

16. There has been a greater focus than ever on inequalities during the last year, in part due to the impact of the pandemic on different parts of the country and different groups. OfS has been mindful of this across the full range of its regulatory activities.
17. The IFS Deaton Review of Inequalities¹⁶ states that coronavirus ‘has cruelly exposed huge variations in how easily we are able to weather threats to livelihoods, to educational progress, to physical and mental health. These disparities have been closely correlated with pre-existing inequalities between groups according to their education, income, location and ethnicity’. Mortality rates from COVID-19 among some black people have been twice those among white British, and some Jewish and Muslim people have also experienced particularly high risk.¹⁷
18. This has had immediate implications for current students in higher education, for example due to different levels of access to the digital resources and space needed for blended and online learning during lockdown, and the greater vulnerability of some students such as those with disabilities. There are also, though, potentially longer-term implications for future students due to the effect of lockdown on schools and families in the most deprived communities, and its anticipated effect on the gap in learning outcomes between the most and least advantaged pupils, and the most and least prosperous parts of the country.
19. Alongside this, there has been substantial public focus on issues that were already a concern for OfS: the disparities between people from different places and ethnicities in relation to access and participation in higher education; and incidents of racial and sexual harassment in higher education.

¹³ See: <https://www.officeforstudents.org.uk/about/equality-and-diversity/>.

¹⁴ See notes 2 and 3 on page 1 of this paper.

¹⁵ See: <https://www.officeforstudents.org.uk/about/measure-of-our-success/participation-performance-measures/>

¹⁶ The full review by the Institute for Fiscal Studies (IFS) at : <https://ifs.org.uk/inequality/>

¹⁷ See note on the IFS Deaton Review above and University of Leicester has published the first meta analysis of ‘Ethnicity and clinical outcomes in COVID-19: A systematic review and meta-analysis’. Published in the Lancet.

Government guidance

20. The February 2021 guidance to OfS from the Secretary of State includes the following statement about equality of opportunity:

‘Fair access to and success in higher education is critical to levelling up and providing equality of opportunity...To support equality of opportunity, I would like the OfS to continue to consider broader factors, including socio-economic status and geographical inequality, which are likely to impact on access and participation in higher education....I would like to remind the OfS that it has a statutory duty to have regard to the need to promote equality of opportunity, not equality of outcome...Throughout all of its work, including access and participation, the OfS should be guided by the approach to equality of opportunity set out by the Minister for Women and Equalities in her speech of 17 December, one that is rooted in liberty, agency, and fairness....The OfS should reflect upon the extent to which its policies and procedures are aligned with this approach as it plans its future activity.’¹⁸

21. The speech by the Minister for Women and Equalities mentioned in the guidance says: ‘Today, I am outlining a new approach to equality in this country. It will be about individual dignity and humanity, not quotas and targets, or equality of outcome....Too often, the equality debate has been dominated by a small number of unrepresentative voices, and by those who believe people are defined by their protected characteristic, and not by their individual character....The focus on protected characteristics has led to a narrowing of the equality debate that overlooks socio-economic status and geographic inequality....It will deliver a new life-path analysis of equality from the perspective of the individual, not groups. Using longitudinal data sets will help us understand where the real problems lie.’¹⁹

22. The February 2021 guidance also states:

‘Following my letter to the sector on 9 October 2020 on antisemitism and adoption of the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism across the HE sector, we have seen positive progress, with at least 31 additional institutions adopting the definition. I would like the OfS to undertake a scoping exercise to identify providers which are reluctant to adopt the definition and consider introducing mandatory reporting of antisemitic incident numbers by providers. This would ensure a robust evidence base, which the OfS could then use to effectively regulate in this area. If antisemitic incidents do occur at a provider, the OfS should consider if it is relevant in a particular case whether the provider has adopted the definition when considering what sanctions, including monetary penalties, would be appropriate to apply.’

Equality of opportunity

23. Our access and participation guidance to providers and the underpinning access and participation data-set include the broader factors identified by the Secretary of State and the Minister for Women and Equalities, and we aim to deploy the same underpinning data for our

¹⁸ Available at: <https://www.officeforstudents.org.uk/advice-and-guidance/regulation/guidance-from-government/>.

¹⁹ [https://www.gov.uk/government/news/fight-for-fairness-speech-to-set-out-governments-new-approach-to-equality#:~:text=Minister%20for%20Women%20and%20Equalities%2C%20Liz%20Truss%2C%20will%20to%20day%20\(,tackling%20inequality%20in%20the%20UK.](https://www.gov.uk/government/news/fight-for-fairness-speech-to-set-out-governments-new-approach-to-equality#:~:text=Minister%20for%20Women%20and%20Equalities%2C%20Liz%20Truss%2C%20will%20to%20day%20(,tackling%20inequality%20in%20the%20UK.)

regulation of quality and standards, on which we are consulting this year. The data-set includes socio-economic and geographical indicators, together with disaggregation of and intersections between some of the protected characteristics.

24. We have set stronger expectations through our access and participation guidance in relation to the use of evidence to determine the focus of activity and evaluation to understand its impact. We are, therefore, concerned with disparities of all kinds, whether they relate to socio-economic, geographic, ethnic or other factors. We expect each provider to use evidence and data to determine its own access and participation priorities, and the same approach informs the ambitions we set for our work across the sector as a whole. This is reflected in the first OfS equality objective described in this paper.
25. We categorise students into groups within our guidance and data because this reflects the statutory basis for access and participation plans, which in s.32 of HERA refers to 'members of groups which, at the time when the plan is approved, are under-represented in higher education'. Also the need, for the purpose of efficiency and effectiveness, to target our resources and those of universities and colleges on students from specific groups as the route to supporting individuals within these groups. It is not possible to identify patterns of performance, to target resources and to evaluate activity by focusing on individuals alone.
26. The Regulatory Framework describes the overall OfS approach to regulation as outcomes-based and we have framed our reforms to access and participation regulation as a shift from focusing on inputs (particularly the amount of money spent) towards outcomes, in terms of reducing the gaps between the most and least represented groups in relation to access, student success and progression. This is appropriate for a diverse and autonomous sector, within which there may be many different approaches to achieving high quality outcomes for students. It is also consistent with the promotion of equality of opportunity because we need to use our resources efficiently and effectively, and that requires us to demonstrate that our regulation is leading to improvements to equality of opportunity over time.
27. Alongside this, we are alert to the potential for providers to adopt measures to improve equality of opportunity that may erode the quality and standards of their courses, and we have stated publicly that providers should not lower their expectations for particular groups of students. We are addressing this further through the second phase of our quality and standards consultation. We aim through our new strategy to describe how our work to promote equality of opportunity is delivered on the foundation of robust regulation of quality and standards.

Geographic disparities

28. The Unequal Britain²⁰ report published in February 2021 identified that 'the one issue on which there is significant agreement that cuts across political lines is place-based inequalities. Inequalities between more and less deprived areas, along with disparities in income and wealth, are seen as the most serious type of inequality in Britain.' The report draws the link

²⁰ See: <https://ifs.org.uk/inequality/unequal-britain/> was a study conducted by the Policy Institute at King's College London, in collaboration with the UK in a Changing Europe, to inform the Institute for Fiscal Studies Deaton Review of Inequalities.

between these perceptions and the government's 'levelling up' agenda, on which it plans to publish a white paper later in the year.

29. OfS analysis during the last year has demonstrated the extent to which the neighbourhoods where there are the lowest levels of higher education participation are located in towns and part of cities across the north and midlands, and in coastal towns.²¹ By combining characteristics such as neighbourhood, gender, ethnicity and Free School Meal status, we have been able to identify that 90 percent of the lowest quintile for access to higher education are white students who are either eligible for Free School Meals or live in places like these.
30. Through our access and participation plan guidance, we require all providers to demonstrate their understanding of these patterns in their own context. On the basis of this, we expect them to map out activities and targets to reduce the gaps in access between students from the most and least represented, and most and least deprived, neighbourhoods across the country. We have particularly challenged the highest tariff providers to make progress on this due to the low proportions of students they recruit from the least represented and most deprived areas.
31. These places are also the focus of our funding for universities and colleges to conduct outreach through the Uni Connect programme, particularly where there is evidence that the levels of access to higher education are lower than would be expected given the levels of GCSE or equivalent attainment. In the next phase of this work, we are expecting partnerships to strengthen the role of further education colleges to support pathways between further and higher education, and to give greater focus to adult learners.
32. We know that people who study and work where they grew up are less likely to graduate into highly skilled jobs, particularly in those parts of the country with the lowest productivity levels.²² We have been addressing this through the Local Graduates programme,²³ which is testing how universities and colleges across the country can work with local employers to better capitalise on graduate skills and knowledge. This will be crucial if we are to translate improved access for students from the most disadvantaged neighbourhoods into improved prosperity in the businesses and public services where they live and work.
33. The alignment of choice and opportunities for students with local prosperity runs through all of these activities, and it is also important for our collaborative work with UK Research and Innovation (UKRI). The government has said that research and development funding will take greater account of place-based outcomes in the future, ensuring that it makes the fullest contribution to the levelling up agenda. With this in mind, we are exploring with Research England (RE) and UKRI a pilot programme that could, subject to the decision on the level of Challenge Competition funding following our teaching funding consultation, test ways of aligning the new opportunities emerging for technical education with place-based research and

²¹ .See: <https://www.officeforstudents.org.uk/data-and-analysis/young-participation-by-area/get-the-area-based-measures-data/>

²² See: [https://hecsu.ac.uk/assets/assets/documents/Graduate_Market_Trends_Autumn_2017\(1\).pdf](https://hecsu.ac.uk/assets/assets/documents/Graduate_Market_Trends_Autumn_2017(1).pdf)

²³ See: <https://www.officeforstudents.org.uk/advice-and-guidance/skills-and-employment/improving-outcomes-for-local-graduates/>

development investment in parts of the country with the lowest levels of higher education participation.

Race and ethnic disparities

34. Periodic updates to EDI data demonstrate that although black, Asian and minority ethnic students have higher rates of participation in higher education than white students, they experience persistent, year-on-year inequalities in relation to their outcomes beyond entry. Some of the factors contributing to these inequalities can be identified as structural, such as entry qualification, subject and mode of study, or age. Once such factors have been taken into account, however, significant unexplained differences remain, particularly for the proportion of black students achieving a first or 2:1. This itself can affect entry to graduate level jobs and postgraduate study, given the extent to which it is used as an entry requirement.
35. Students and many staff in higher education providers showed strong support for the 2020 Black Lives Matter movement, taking to the street and utilising social media to protest racial injustice and seek commitments to anti-racism within their institutions. Following these protests, the government established the Commission for Race and Ethnic Disparities (CRED), which published its report in April 2021.
36. The Commission's report is more focused on schools and employment than higher education, but it recommends that 'stronger guidance should be issued by the Office for Students (OfS) to higher education institutions on funding outreach programmes and placing university outreach staff in schools to help reduce disparities in applications at an earlier stage.' This recommendation is based on evidence we provided to the Commission on the findings of OfS evaluation of Uni Connect²⁴ and we will factor it into our engagement with providers and outreach partnerships during the coming year.
37. As is clear from the Annex to this paper and the resources we publish on our website, OfS work on race and ethnic disparities extends beyond the issues identified in the CRED report. It includes, for example, measures to address the attainment gap between black and white students through access and participation plans, and to support the progression of black, Asian and minority ethnic students into postgraduate research and academic careers through a joint programme with RE and UKRI.
38. Alongside this, as we identify in our access and participation guidance, white students from lower socio-economic backgrounds are among the lowest participation groups in higher education. This has been highlighted in the Education Select Committee's inquiry on Left Behind White Pupils from Disadvantaged Backgrounds, to which OfS gave evidence in January 2021.
39. The Committee's report²⁵, published in June, recommends that the OfS should: 'review how it holds providers to account for ensuring all low participation groups are equally supported into higher education. This should not just be about inclusion, but ensuring disadvantaged White

²⁴ See: <https://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/uni-connect/evaluating-uni-connects-impact/>

²⁵ <https://committees.parliament.uk/committee/203/education-committee/news/156024/forgotten-white-workingclass-pupils-let-down-by-decades-of-neglect-mps-say/>

pupils are also completing their courses and progressing on to skilled work and satisfying careers. The OfS should also implement a target for inclusion of pupils from disadvantaged White backgrounds, to ensure that White working-class students' participation in HE is a key priority for all universities.'

40. We have published an experimental 'Associations Between Characteristics' (ABCs) measure,²⁶ which combines race and ethnicity with other factors such as neighbourhood and free school meal status, and will deploy this within future versions of the access and participation data-set and guidance. This should enable closer targeting of the students identified in the Select Committee's report.

Harassment, hate crime and sexual misconduct

41. In our communications on harassment and sexual misconduct during the last year, we have stated that 'universities and colleges should be about open intellectual engagement between students and lecturers, in an atmosphere of trust and respect. Yet for too many students, the spirit of open inquiry is closed by the threat of harassment and sexual assault. This is not acceptable – and we need to do all we can to address it.'²⁷
42. The most recent data from the Crime survey for England and Wales, and police reported crime, show that full-time students were more likely to have experienced sexual assault in the last year than people in any other occupation type. In addition, of adults aged 16 to 74 years, for each occupation type, women were more likely to have experienced sexual assault than men, and this was particularly the case for full-time students. Among full-time students, 11.6 percent of women had experienced sexual assault in the last year, compared with 4.2 percent of men²⁸, and 10.5 percent of women had experienced domestic abuse in the last year, compared with 4.8 percent of men.²⁹
43. The pandemic appears to have brought additional challenges, including marked increases in contacts to domestic violence support services and concerns around online harassment. The particular experiences of students have been highlighted through testimonies of sexual harassment and violence on the Everyone's Invited website.³⁰

²⁶ <https://www.officeforstudents.org.uk/publications/associations-between-characteristics-of-students/>

²⁷ Nicola Dandridge blog, 19 April 21 <https://www.officeforstudents.org.uk/news-blog-and-events/blog/how-we-expect-universities-and-colleges-to-tackle-harassment-and-sexual-misconduct/>

²⁸ See: 'Sexual offences victim characteristics, England and Wales: year ending March 2020' at <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2020#employment-status-and-occupation> (published March 2021)

²⁹ See: 'Domestic abuse victim characteristics, England and Wales: year ending March 2020' at <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2020#employment-status-and-occupation> (published November 2020)

³⁰ Available at: <https://www.everyonesinvited.uk/>

44. In 2019, the EHRC report 'Tackling Racial Harassment: Universities Challenged' reported that nearly a quarter of ethnic minority students experience racial harassment on campus.³¹ An investigation by the Community Security Trust found 123 antisemitic incidents affecting Jewish students, academics and student bodies in 34 different towns and cities across the UK during two academic years (2018-19 and 2019-20).³² An NUS investigation found that one in three Muslim students have experienced some type of abuse or crime where they study.³³
45. In response to evidence of this kind, Universities UK (UUK) has released briefings during the last year on 'responding to domestic violence and technology mediated abuse in higher education communities during the Covid-19 pandemic' and 'Domestic Abuse Policy Guidance for UK Universities'³⁴, as well as guidance and recommendations on tackling racial harassment in HE.³⁵
46. OfS published a statement of expectations on tackling harassment and sexual misconduct in April, drawing on discussions with students, universities and colleges, sector groups and third sector organisations. The statement outlines the practical steps that we expect all higher education providers to take in tackling harassment and sexual misconduct that affects their students. In doing so, it aims to provide a clear and consistent set of standards to help providers develop and implement effective systems, policies and processes to prevent and respond to incidents.
47. The statement covers sexual misconduct as well as harassment connected to a range of protected characteristics – including race, religion, disability, sex and sexual orientation. Our expectations extend beyond the campus to social media and the internet, where harassment is increasingly prevalent, and the definitions include domestic violence and abuse (which can also involve control, coercion and threats) and stalking.
48. We wrote to providers in June re-stating our expectation that they review and update their systems, policies and procedures in line with the statement of expectations.³⁶ We will continue to engage with relevant stakeholders - including grassroots and survivor groups, student representatives, community organisations, hate crime reporting centres and HE providers - as part of our programme of work to understand how providers implement the expectations over the next year. Our aim at this point is for all universities and colleges registered with the OfS to put these principles into practice, so we are not, at this stage, connecting the statement of expectations to our conditions of registration.
49. In addition to this, we are working with the Union of Jewish Students (UJS) to develop a specific strand of work within our programme to implement the statement of expectations,

³¹ Available at: <https://www.equalityhumanrights.com/en/publication-download/tackling-racial-harassment-universities-challenged>

³² Available at: <https://cst.org.uk/public/data/file/3/6/Antisemitism%20on%20University%20Campuses.pdf>

³³ Available at: <https://www.nusconnect.org.uk/resources/the-experience-of-muslim-students-in-2017-18>.

³⁴ See: <https://www.universitiesuk.ac.uk/policy-and-analysis/Pages/equality-diversity-inclusion.aspx>

³⁵ Available at <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Pages/tackling-racial-harassment-in-higher-education.aspx> published on 24 November 2020.

³⁶ Available at: <https://www.officeforstudents.org.uk/media/4cd65019-7b9a-4172-8125-1deb26799c86/letter-statement-of-expectations-on-harassment-and-sexual-misconduct-forweb.pdf>

building on the resources we have already developed to tackle religious-based hate crime. This includes creating a validated list of providers who have adopted the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism. The OfS adopted the IHRA definition of antisemitism in 2018 as a guide to interpreting and understanding the issue.

OfS as an employer

50. Due to the Covid-19 pandemic, like many organisations OfS has needed to adapt at pace to the changing environment, working in different ways, while continuing to deliver our priorities. This changing and uncertain backdrop has brought to the fore the importance of creating a working environment that is diverse, welcoming and inclusive.
51. Our internal EDI maturity has grown over the last 12 months and we have seen evidence of this in the results of the recent people survey, with the overall scores for the inclusion and fair treatment theme increasing by 9 per cent from the 2020 survey.
52. Underpinning our internal EDI objectives and our work to implement them sits a set of operating principles, which reflect the OfS's values and behaviour:
 - a. reflecting the diversity of providers and students across English higher education.
 - b. championing equality and diversity with clarity of purpose, leadership and strategy.
 - c. being accessible and inclusive to our stakeholders.
 - d. championing diverse voices and leaders.
 - e. being at the forefront of relevant data, evidence and insight.
 - f. undertaking effective and efficient equality and diversity impact assessment.
 - g. taking and championing an intersectional approach.
 - h. establishing equality and diversity objectives and activities throughout the OfS's functions.
 - i. working in partnership with students at all levels and from all backgrounds, and with other stakeholders.
 - j. challenging our own equality and diversity practices with the same rigour that we challenge providers.
53. We provide an update in Annex A on our performance in relation to the EDI targets we have set for ourselves, and the contribution made by the staff networks we established in 2020. The board will also consider a separate presentation on the OfS people strategy at the July meeting. Significant operational detail is available in the equality and diversity action plan on our website.

Risk implications

54. Corporate and operational risks are captured through the OfS risk register and we will continue to report to the board any emerging high-level risks, particularly those which relate to our responsibilities under the PSED and the potential for regulatory enforcement by the EHRC.
55. We continue to actively manage risks associated with the reputational damage to the OfS and loss of credibility if our ambitions internally and externally are not well aligned, we do not meet the EDI ambitions we have set ourselves, or we do not meet the expectations of stakeholders such as the student panel.

Communications and engagement

56. This paper will be used to position future communications on equality of opportunity, and in the development of our OfS equality, diversity and inclusion strategy and objectives during the coming year.

Paper publication date

57. Subject to advice from the board at this meeting, we will publish this paper in full on our website by the end of July 2021.

Annex A: OfS performance on equality and diversity – review of objectives, July 2021

2020-21 - Assessing our progress and performance

1. This year, noting the challenges of the pandemic, we continued to work towards achieving the objectives we have set for ourselves to achieve a step change in equality of opportunity in higher education. The following sections set out progress made against each of our EDI objectives in turn and further detail is provided in the action plan. Objectives 1-5 focus on our corporate governance and operations, alongside external facing priorities as a regulator and funder; objectives 6-8 focus on OfS as an employer.

Objective One

The OfS will develop, implement and consult on our equality and diversity objectives, evidence base, impact assessments and action plan to ensure successful implementation of our PSED.

EDI within corporate and project governance.

2. In terms of corporate governance, the Board's effectiveness review this year noted that 'actions identified as part of the review to be taken forward to achieve an optimal level of effectiveness included the development of planned engagement with a broader range of internal and external stakeholders, and (while noting that all respondents agreed that the board considers the impact of its decisions on equality, diversity and inclusion) ensuring the composition of the board fully reflected the diversity of the higher education sector and wider society.'
3. Membership was stable in the 2020-21 and we are now engaging with colleagues in DfE regarding board requirements as they lead on the process for recruiting and reappointing members. We are recruiting in summer 2021 for several new appointments to three board committees: the Risk and Audit Committee, Provider Risk Committee and Quality Assessment Committee. An essential criterion in the person specification requires applicants to comment on how they bring professional expertise or experience of working with others to create fair or equitable situations, and to demonstrate an understanding of equality, diversity, and inclusion issues.
4. We remain committed to embedding inclusive decision making throughout our work. Earlier this year we conducted an internal review to understand how we can improve the 'making inclusive decisions' process, through which we consider the equality implications of our activities, and where we can reshape core aspects of the guidance and process to improve this.

Student Engagement

5. As the regulator working in the student interest, it is important that students help to shape our priorities and work.³⁷ This year we improved the way in which student unions and students can raise concerns with us about the quality of their teaching and support from their university or college. Our student panel has particularly helped us understand the effects of the pandemic on students.

³⁷ See: www.officeforstudents.org.uk/publications/students-experts-in-their-own-experience/

6. Our student panel recruitment process in 2020 saw a very large number apply for 10 places on the panel. Of those applications, 49 percent came from black, Asian and minority ethnic students, 29 percent were mature students, 23 percent LGBTQ+ students and 20 percent disabled students.
7. Over the last year, we focused on embedding our student engagement strategy both internally and externally. We continue to be focussed on EDI and the perspectives of students whose voices go 'unheard', sometimes from backgrounds underrepresented in higher education, whose experiences might be missed, and those from all aspects of the political spectrum.

Objective Two

The OfS will conduct and publish rigorous and influential analysis, research and insight into EDI (including the Protected Characteristics and socio-economic disadvantage) issues across the student lifecycle.

8. Our data strategy emphasises the importance of comprehensive and timely data to allow us more quickly to identify changes in student recruitment and retention patterns. We gather a range of data from registered higher education providers, both directly and through HESA (the designated data body) and others. This data informs our regulatory decisions.
9. To help providers understand their own performance in respect of equality of opportunity, we publish an annual access and participation dataset, which provides a picture of patterns in access and participation across the student lifecycle at both sector and provider levels. This data also helps us to monitor the progress of universities and colleges towards delivering their plans and commitments. We encourage providers to focus on both individual characteristics and intersections between characteristics, and we have developed an experimental measure to help identify how a combination of factors such as race and ethnicity, neighbourhood, Free School Meal status and sex affect the likelihood of progression into higher education. Using this measure, we found that more than 90 per cent of students in the lowest-participation quintile are white British, and have either received free school meals or grown up in a low-participation neighbourhood. During 2021, we will further develop this analysis to help our understanding of how to improve support for under-represented groups.³⁸
10. We have also expanded our analyses, including our equality, diversity and student characteristics data, and our sector-level summary of access, continuation and attainment for different student characteristics, covering students at English higher education providers.³⁹
11. Published as official statistics, our equality, diversity and student characteristics data and our access and participation data now present the proportion and numbers of students in higher education by age at entry, disability (broad and detailed), educational disadvantage (POLAR4), ethnicity (broad and detailed), sex, deprivation (IMD quintiles) and eligibility for free school meals at key stage 4. Both datasets include students up to 2019-20.

³⁸ See www.officeforstudents.org.uk/data-and-analysis/associations-between-characteristics-ofstudents/.

³⁹ Available at: <https://www.officeforstudents.org.uk/data-and-analysis/equality-diversity-and-student-characteristics-data/>, <https://www.officeforstudents.org.uk/data-and-analysis/access-and-participation-data-dashboard/> and <https://www.officeforstudents.org.uk/data-and-analysis/access-and-participation-data-dashboard/findings-from-the-data/>.

12. This year we expanded these statistics to include data by gender reassignment, religion or belief, sexual orientation and parental education. We have also published new experimental data on the numbers of students at English higher education providers by care experience, estrangement, household residual income (HRI), socioeconomic background (NS-SEC), tracking underrepresentation by area (TUNDRA) quintile, and associations between characteristics of students (ABCS) access quintile.⁴⁰
13. This expansion in data results from our recent work exploring 'Differences in student outcomes - further characteristics'. It is anticipated that the additional characteristics included within our equality, diversity, and student characteristics data will be incorporated within future updates of the access and participation dashboard, wherever provider-level breakdowns are feasible. This data is deployed through our regulation of access and participation, but we are also aiming to ensure that the data we use across different areas of our regulation is as common and coherent as possible. We are consulting this year on our approach to regulating quality and standards, as well as the next round of the Teaching Excellence Framework, and will consider the approach to using data on student characteristics through these consultation processes.
14. Our equality and diversity success factors contribute to our Key Performance Measures (KPMs) and include protected characteristics. Our KPMs are important tools for understanding whether our vision and strategy is being realised. This year we have continued to produce our KPMs, including several published for the first time. Updates include KPM 4, which focuses on decreasing the gap in degree outcomes (1sts or 2:1s) between white students and black students; and KPM 5, which highlights the gap in degree outcomes (1sts or 2:1s) between disabled students and non-disabled students. One of our newly published measures is KPM 17, which focuses on graduate well-being based on the results of the Graduate Outcome survey. A contextual analysis looking at how well-being varies for different student groups (by age, disability, ethnicity and sex) has been published alongside this KPM.⁴¹

Case study: Facilitating Insight – Mature students

In May 2021, we held our fourth insight event 'Lifelong options: Improving opportunities for adult learners, supporting local and national prosperity'. The event particularly explored the opportunities and challenges adult learners face in the current economic and political climate. It included speakers and perspectives from government, industry and academia. At the same time, we published our ninth insight brief 'Improving opportunity and choice for mature students' which explored the latest OfS data and trends related to mature students. It highlighted the decline in part-time participation, driven largely by a decline in mature students taking sub-degree courses as well as the persistent continuation and attainment gaps. It also looked to the future, noting the recent 24 per cent rise in mature student applications and particular increases in nursing applications. As technology is increasingly used to deliver HE, this may also open up opportunities for adult learners to engage in a more flexible way and the

⁴⁰ Available at: <https://www.officeforstudents.org.uk/data-and-analysis/equality-diversity-and-student-characteristics-data/experimental-statistics/>.

⁴¹ See: <https://www.officeforstudents.org.uk/about/asures-of-our-success/> and <https://www.officeforstudents.org.uk/publications/graduate-wellbeing-recorded-in-the-graduate-outcomes-survey/>.

brief encourages innovative and dedicated approaches to reaching out to the particular needs of adult learners.⁴²

What Works - Transforming Access and Student Outcomes in Higher Education (TASO).

15. TASO is an affiliate What Works Centre and part of the UK Government's What Works Movement. Initially established by a consortium led by King's College London, Nottingham Trent University and the Behavioural Insights Team, in April 2021, TASO became an independent charity and have been awarded grant funding by the OfS until March 2023. The OfS grant is managed by a sub-committee of TASO's Board of Trustees, on which there is OfS representation. TASO's mission is to be an independent hub that is committed to the generation, synthesis and dissemination of high-quality evidence related to access and participation. During the last year, TASO have published reports on 'supporting access and student success for mature learners' and have announced a partnership with two higher education providers researching the impact of curriculum reform on race equality gaps, with interim results expected later in 2021.⁴³ We are independently evaluating TASO to fully understand their influence and impact, and continue to encourage them to support providers in 'joining the dots' between data, research, policy and practice.

Objective Three

The OfS will challenge the sector to significantly reduce gaps in access, success and progression for students from all backgrounds and identities and across all disciplines.

16. Early in the pandemic we paused some of our regulatory requirements related to access and participation and data reporting, enabling providers to focus their efforts on supporting underrepresented and vulnerable students. We allowed greater flexibility for universities and colleges to move funds committed to access and participation activity that could not happen because of the closure of schools to address immediate issues, such as hardship and mental health needs of students, but we were clear that providers needed to honour, in full, the financial commitments they had made to their students.
17. In March 2021 we published an independent evaluation of the impact of our access and participation plan reforms.⁴⁴ It concluded that the reforms had been instrumental in securing a step change in the level of ambition in relation to improving equality of opportunity for under-represented groups of students through access and participation plans.
18. In April 2021, we received reports from universities and colleges on the activity and financial support they delivered to students through their access and participation plans during the 2019-20 academic year, and how the plans we agreed with them from 2020-21 onwards have been affected by the pandemic. Recognising the changing context, any changes to approved plans are negotiated individually with universities and colleges. We have indicated that these must be 'something for something' discussions, maintaining the current levels of ambition and

⁴² <https://www.officeforstudents.org.uk/news-blog-and-events/events/lifelong-options-improving-opportunities-for-adult-learners-supporting-local-and-national-prosperity/>

⁴³ <https://taso.org.uk/news-item/universities-could-attract-more-mature-learners-by-offering-online-or-blended-learning/>

⁴⁴ <https://www.officeforstudents.org.uk/publications/evaluation-of-access-and-participation-plan-reforms/>

credibility, while tackling new imperatives such as greater calls on hardship funding and increased demand locally and from adult learners, and considering the impact of developments in digital teaching and learning on the offer to students.

19. In our guidance, we have for the first time encouraged students to gather and submit their views on progress in relation to their provider's access and participation plan, yielding submissions from students at around half of the providers that have submitted monitoring returns.

Effective Practice in Access and Participation

20. Over the last year we have focused our effective practice work on a smaller number of high priority groups where we wanted to showcase the best available evidence that we are aware of.⁴⁵ This is exemplified by the insight brief published in April 2021 on care-experienced learners.⁴⁶ As part of this, we work closely with TASO to ensure key evidence feeds into our work and that of providers.

21. We have made specific commitments to supporting opportunities for mature students, particularly through information, advice and guidance (IAG) via UniConnect and Discover Uni, by negotiating a greater focus on mature students in access and participation plans, working with Health Education England on supporting nursing expansion and with DfE to pilot the lifelong learning entitlement.

Case study: sharing effective practice to support Gypsy, Roma, Traveller, Showmen and Boater success

In the last year, we contributed to development of a pledge that higher education providers can sign up to and coordinated OfS contribution to its launch, including a presentation by the Director of Fair Access and Participation.

We produced an effective practice briefing on Gypsy, Roma, Traveller, Showmen and Boater (GTRSB) communities in higher education and represented OfS on the national steering group, set up following a roundtable at the House of Lords in September 2019, to develop a national online network focused on supporting GTRSB communities into higher education. This built on analysis of provider access and participation plans to identify actions relating to GTRSB communities and engagement with Uni Connect partnerships working, or looking to work, with GTRSB communities.⁴⁷

Strategic use of funding

22. The OfS uses strategic interventions, and formulaic funding allocations, in tandem with our access and participation regulation to achieve our access and participation objectives. During 2020-21 we distributed additional funding for student hardship in the light of the pandemic and

⁴⁵ <https://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/effective-practice/gypsy-roma-and-traveller-communities/>

⁴⁶ <https://www.officeforstudents.org.uk/publications/consistency-needed-care-experienced-students-and-higher-education/>

⁴⁷ <https://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/effective-practice/gypsy-roma-and-traveller-communities/>

consulted on reforms to our approach to funding for 2021-22. An emerging insight report on the impact of the pandemic on Uni Connect partnerships was published alongside a range of other evaluation reports demonstrating effective practice and the impact the programme is having.⁴⁸

23. We also published during 2020-21 the programme evaluation report for the Addressing Barriers to Student Success (ABSS) programme, sharing effective practice evidence and case studies of approaches proven to reduce differential outcomes, particularly the awarding gap for black, Asian and minority ethnic students.⁴⁹

Case study: Uni Connect Higher Education Progression Partnership South Yorkshire

HE Can address the underrepresentation of young men from areas that have very low rates of participation in higher education. Ofsted has identified how it is raising the expectations of boys, enabling them to see the options open to them and equipping them with the confidence and knowledge to start making positive choices for their futures based on the belief that they can take the step into higher education. A parallel She Can programme to increase the confidence and resilience of girls is now underway.

Objective Four

The OfS will work to address the risk of some students not receiving a high quality higher education experience

24. During the pandemic, we produced briefing notes, case studies and other information to signpost how universities and other higher education providers were responding to the rapidly evolving situation.⁵⁰

Regulation during a pandemic

25. The OfS Annual Report provides an overview of our approach to regulation during this period.

‘The pandemic has also placed extraordinary demands on university and college staff. They have played a vital role in responding to the pandemic – not only in supporting students [...] Recognising this, we adjusted our regulatory approach to help them manage these demands, balancing this with our responsibility to protect the interests of students. We were particularly aware that existing inequalities were exacerbated by the pandemic. We suspended some regulatory requirements, while continuing our risk-based monitoring activity and discussion with providers on a range of issues – the quality of learning and teaching, financial sustainability, and support for the most vulnerable students. Although largely confidential and therefore unseen, this is a crucial part of our regulatory activity.’⁵¹

⁴⁸ <https://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/uni-connect/evaluating-uni-connects-impact/>

⁴⁹ <https://www.officeforstudents.org.uk/publications/summative-evaluation-of-ofs-abss-programme/>

⁵⁰ <https://www.officeforstudents.org.uk/advice-and-guidance/coronavirus/briefing-notes/>

⁵¹ Chief Executive Statement in OfS Annual Report and Accounts 2021

<https://www.officeforstudents.org.uk/media/c6ba1aac-8a98-4e9d-aa93-1d3d815cfa9e/ofs-annual-report-and-accounts-2021.pdf>

26. This work included:

- a. The implementation and equality impact assessment of the time-limited condition of registration, Z3, as set out in the case study below.
- b. Calls with providers that were scheduled at the beginning of the second wave of the pandemic (autumn 2020), through which we sought assurance that providers had a strong grasp on the needs of all of their students and were adapting their arrangements according to these needs.
- c. This operating year we considered 316 notifications compared with 262 in the previous year. We have followed up on all notifications received from students and placed particular emphasis on notifications which suggested that some students were not receiving a high-quality experience. In such cases we sought additional assurance from the relevant provider. We continue to work closely with the Office of the Independent Adjudicator and the dedicated quality body, the Quality Assurance Agency (QAA) on complaints and concerns which are outside of our remit.
- d. We worked with a diverse range of students and students' unions on a student guide and social media campaign to help raise awareness of the notifications process and the circumstances in which it would be appropriate for them to notify us.

Case study: Assessing the equality impact of a temporary condition of registration

The OfS has determined that, during the pandemic, the interests of students are likely to outweigh the autonomy of providers in a way that in more usual times might not be the case. We have been particularly concerned about the impact of the pandemic on students who may be especially vulnerable during this period, or who have protected characteristics. In May 2020, we ran a consultation which resulted in the introduction of a new time-limited condition of registration, Z3, through regulatory notice 5. Condition Z3 is not focused on advancing equality of opportunity specifically, but was subject to a robust equality impact assessment, with the full assessment published alongside the consultation outcomes. We also asked specific questions within the consultation to gain respondents' views about the impact of the proposed condition on equality of opportunity, taking responses into account during final decision-making.

As a result of the consultation and equality impact analysis, the condition was narrowed to focus on the types of offer-making practices that are most likely to have a material negative effect on the stability and integrity of the sector and have a negative impact on the interests of past, present and future students, and on certain advertising and marketing activities that would have a similar effect. The equality impact assessment highlights where we judge there to be a differential impact on students with protected characteristics at sector, provider and/or individual level, and whether or not this has affected the decisions we have taken. It also considers where the interests of different groups of students may be in tension with each other. For example, the interests of current students may sit in tension with the interests of the cohort of applicants making choices about what and where to study in the 2021-22 academic years as, for some of these applicants, less regulatory oversight of the admissions system might provide greater choice.

27. In January 2021, in response to the further lockdown, we published limited revisions to our guidance on protecting quality and standards, including on the approach to exams and assessments and the appropriate measures degree awarding bodies should take when considering mitigating or exceptional circumstances. This included consulting at an early stage

with students about assessment and awarding plans and considering the needs of different students, including those with characteristics protected under the Equality Act 2010.

28. In our consultation on condition C4 (student protection directions) we explicitly considered whether our proposals would have an impact on individuals based on their protected characteristics. We received a significant amount of feedback and further reflected on whether the implementation of the condition could adversely create adverse impact on students, beyond that created by a market exit itself. We considered that the imposition of the condition is likely to have a positive impact, because it is designed to improve a provider's planning for the impact of market exit on students. We also considered it is reasonable and desirable to encourage all providers to actively think about the impact of their situation when devising and putting in place student protection measures. This would increase the likelihood that students are afforded a level of protection that properly meets their needs in market exit situations. For this reason, we updated the guidance to the condition to reflect this position explicitly. There have been no cases of market exit to date this year.

Tackling harassment, hate crime and sexual misconduct

35. As set out in the main paper, publication of the statement of expectations represents an important step towards ensuring that all students feel safe during their time in higher education. Over the next year, we will examine how universities and colleges have responded, and the implications of this for different groups of students.

Student mental health

Case Study: Supporting Student Mental Health in 2020-21

With the Higher Education Funding Council for Wales, we funded the charity Student Minds to develop an online platform, Student Space.⁵² The OfS is supporting this project with up to £3 million in funding. The platform, which was developed to respond to additional pressures caused by the pandemic, is designed to complement the mental health support already in place through universities, colleges and NHS services in England and Wales. It provides signposting to mental health resources in universities and colleges across England and Wales, as well as educational resources to help students through the challenges of the pandemic. Personal support services such as phone, email and text guidance/listening services are also available. Over 133,000 people accessed the Student Space platform's resources from its launch in August 2020 to the end of March 2021. We have also continued to support the University Mental Health Charter being developed by Student Minds, and produced a briefing note on supporting mental health and wellbeing for students during the pandemic.

⁵² <https://www.studentspace.org.uk/>.

Supporting Disabled students

36. Through the provision of the Disabled Students Premium funding of £40 million in each academic year, we continue to support providers to adopt a social model of disability, across the breadth of the definition of disability under the Equality Act.^{53 54}
37. Our access and participation guidance also sets out our expectation that higher education providers will develop a detailed understanding of where gaps in outcomes for students with disabilities, including those with a declared mental health condition, exist and why, and take effective steps to eliminate them.
38. While the longer-term impact of the pandemic on disabled students is not yet known, student polling in the summer of 2020 about the experience of students during the first national lockdown found that in 10 of 16 questions, disabled students reported being significantly more dissatisfied or affected than non-disabled students, so this will be a priority for engagement with providers on their access and participation plans during the coming year.

Case study: Disabled Students Commission

The DSC, announced by the government in June 2019, is an independent group of experts committed to bringing about positive change for disabled students. It is tasked to: advise, inform and challenge the English higher education sector to improve models of support for disabled students, and to identify and promote effective practice that helps students with disabilities have a positive and successful experience at university.

Within weeks of the commission's initial meeting in 2020, the first national lockdown in England was announced. The DSC worked with universities, colleges, government departments and third sector organisations to understand the impact of the coronavirus pandemic on disabled students. The findings were summarised in two publications. 'Three months to make a difference'⁵⁵ was a call to action for the HE sector to make urgent changes in seven key areas, including support and guidance for disabled students in the clearing process, facilitating their participation in social activities, ensuring that blended learning is delivered inclusively, and embedding accessibility across learning platforms and technologies. The associated guide outlined 'considerations for students when applying to university in light of Covid-19'⁵⁶. These publications, together with the DSC's annual report⁵⁷ provide the sector with new evidence and challenges in the pursuit of improved support for disabled students. We continue to work with

⁵³ The social model of disability is widely accepted as the most appropriate way to approach support for disabled students. The social model was developed out of an understanding that disability is not something medical to be treated but a failing on the part of society. A social response to disability is not about 'fixing' the individual but about restructuring environments and attitudes around them.

⁵⁴ Under the Equality Act 2010, a person has a disability if they: 'have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'. 'Substantial' is defined by the Act as 'more than minor or trivial'. An impairment is considered to have a long-term effect if: it has lasted for at least 12 months, it is likely to last for at least 12 months, or it is likely to last for the rest of the life of the person.

⁵⁵ <https://www.advance-he.ac.uk/knowledge-hub/three-months-make-difference>

⁵⁶ <https://www.advance-he.ac.uk/knowledge-hub/considerations-disabled-students-when-applying-university-light-covid-19>

⁵⁷ <https://www.advance-he.ac.uk/knowledge-hub/disabled-students-commission-annual-report-2020-2021-enhancing-disabled-student>

the commission to understand the longer-term impacts of the pandemic on disabled students, and to challenge us and the sector to respond to this challenge.

Objective Five

The OfS will work to reduce the risk that some students are prevented from maximising their outcomes through their higher education experience and therefore not maximise their potential in terms of employment or further study.

39. The global economic downturn and disruption brought about by the pandemic has led to an increased emphasis on the need for the upskilling and re-skilling of the UK's population. The government's 'Skills for jobs' white paper emphasises the importance of adult skills, including higher technical reforms and retraining initiatives, healthcare provision expansion, the impact of the pandemic on particular disadvantaged groups, and the 'levelling up' agenda.
40. We make selective interventions to address the skills needs of employers where we think this needs to happen more quickly or on a scale beyond what will happen through providers working alone. In many cases, diversifying the workforce is a critical element of the agenda. For example, with £13m funding from the Department for Culture, Media and Sport (DCMS), we have supported a postgraduate conversion course programme aiming to accelerate the number of highly skilled graduates in AI and data science by 2500 by 2023 by diversifying the flow of trained graduates.⁵⁸ Data from external evaluation shows that nearly half (46 per cent) of the total UK students are women, 23 per cent are black students and 20 per cent are disabled. Of the 170 scholarship students who were from the UK, nearly three quarters (74 per cent) were women, a quarter (25 per cent) were disabled and 40 per cent were black.
41. As highlighted in the main paper, projects within the local graduates programme are developing new ways of improving employment outcomes for students who study and work in the place where they grew up.⁵⁹ We are also working closely with DfE to develop a funding competition that will trial student demand for modular, flexible HE provision ahead of Government plans to roll out the Lifelong Loan Entitlement (LLE) from 2025.
42. In 2020-21 we worked with Research England to identify the barriers to further study for black, Asian and minority ethnic students, and in October 2020 we launched a joint £8 million funding competition to support improved access and participation. The deadline for submission of bids was extended to take account of pandemic-related disruption, and funded projects and the external panel will be announced in September 2021. We have commissioned an independent evaluation team, which will draw out findings for practice sector-wide.

Meeting our EDI objectives as an employer

43. As an organisation challenging the sector to promote equality and diversity and support protected and underrepresented groups, it is important for OfS to set similar expectations as an

⁵⁸ In April 2020, following investment from the Department for Digital, Culture, Media and Sport, we announced £13 million funding through to March 2023 to support 18 projects to develop postgraduate conversion courses and scholarships in artificial intelligence and data science.

⁵⁹ <https://www.officeforstudents.org.uk/advice-and-guidance/skills-and-employment/improving-outcomes-for-local-graduates/local-graduates-case-studies/>

employer. Activity in this area extends to learning and development, representation, recruitment and governance.

44. During the last year we have established our internal EDI Workforce Strategy. This strategy aims to ensure that the OfS is an inclusive employer by having a more diverse workforce, which is more reflective of the sector and stakeholders we regulate. The strategy sets out where we want to be by July 2022 and focuses on priority areas that staff have told us will make the difference. It reflects our organisational values of ambition, openness, learning and diversity. It also sets out our priorities, the activities we intend to undertake, and the key performance measures, through which we hold ourselves to account.

45. We have three internally facing objectives, agreed by the board until 2022, on which we report individually below.

Objective six: Fostering inclusive leadership and an inclusive and open culture.

Appointment to the Directors' group

46. By establishing the 6 month appointment for a member of staff to join the directors' group we have brought a different perspective to the group. We invited all members of staff at pay band 9 (broadly equivalent to grade 7 in the civil service and junior/middle management) and above to apply with the primary purpose of:

- i. ensuring a diversity of perspectives within the directors' group, in line with the OfS's values and;
- ii. to offer career development opportunities for staff.

47. The first appointment has come to an end and the second individual has started their 6 month appointment. We will conduct a full review at the end of both appointments, seeking views from all involved, but initial feedback suggests that the approach has had a positive impact, with the individual gaining a wider understanding of how decisions are made, being able to provide input to a wide range of papers, gaining understanding of the wider context that the OfS is working within, and relevant experience, knowledge and skills which will aid them in their career development. Just as importantly, the Directors' group gained a different perspective and input to its discussions.

Aspirational targets

48. Our aspirational targets have provided a renewed focus on EDI, with the Directors' group reviewing progress every quarter. Our targets are set out in table 1 below.

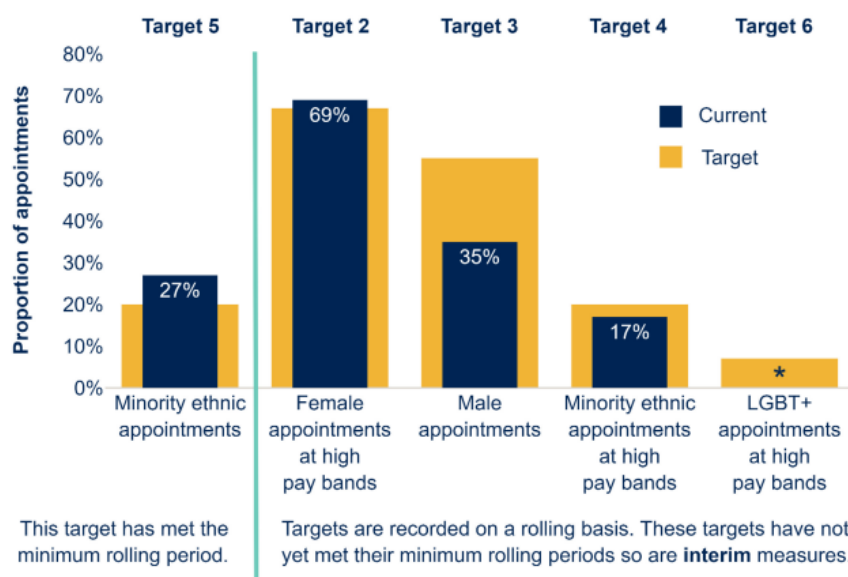
Table 1: OfS aspirational EDI targets

Disclosure	Target 1	80 per cent disclosure rate for all protected characteristics by March 2021
Gender Profile	Target 2	Approximately two-thirds of appointments at pay band (PB) 11 and above should be women over a three-year rolling period
	Target 3	Approximately 55 per cent of appointments should be men over a three-year rolling period

Ethnicity Profile	Target 4	Over a three-year rolling period, approximately 20 per cent of appointments at PB 10 and above should be people from Black, Asian and minority ethnic backgrounds
	Target 5	On an annual basis approximately 20% of appointments throughout the organisation should be people from Black, Asian and minority ethnic backgrounds.
LGBT+	Target 6	Over a four-year rolling period, approximately 7 percent of appointments at PB 10 and above should be LGBT+

49. Target 1 was achieved by March 2021 for all protected characteristics except disability. From 1 April 2021, we have made changes to the categories of personal data we are collecting, so we are more in line with the Government Statistical Service data harmonisation standards. As a result of this change, we predict the disclosure rates for all the protected characteristics will be above 80 per cent by March 2022.
50. We published our staff profile data on 8 June⁶⁰, alongside our annual report and accounts. We use that data to monitor progress against the targets set out in table 1. Our current progress against Targets 2 to 5 is visualised in Figure 1. As of 31 March 2021, only Target 5 has reached its minimum rolling time period, so the other targets are interim measures at present. Target 5 is currently being achieved; between 1 April 2020 and 31 March 2021, 27 per cent of appointments with a known ethnicity were from minority ethnic backgrounds. Though an interim measure, Target 2 is currently being achieved; between 1 April 2019 and 31 March 2021, 69 per cent of appointments at pay band 11 and above were female.
51. When compared to the other EDI targets, Target 6 has a lower target percentage and a longer rolling period. This is because the proportion of the population who identify as LGBT+ is low, as is our recruitment of staff at high pay bands. To reduce the risk of identifying individuals, we will not be publishing our progress against Target 6 until it has reached at least its minimum four year rolling period. This is unlike Targets 2 to 4, which we consider safe to publish this year as interim measures without risking the identification of individuals. When Target 6 has reached the minimum four-year rolling period (April 2023), we will assess whether we can safely publish this data.

⁶⁰ [Staff at the Office for Students: Equality, diversity and inclusion statistics - Office for Students](#)



52. Having a focus on the data and targets has enabled us to scrutinise our approach to recruitment and support for staff, enabling more diversity of thought and a more inclusive culture. However, we recognise there is more to do for us to deliver against all these targets and work is ongoing to identify what further actions we can take to make progress.

Staff networks

53. Our five staff networks⁶¹ were established just before the national lockdown in February last year. Nearly half of all staff are members of our networks and feedback identifies how highly the networks have been valued by staff, particularly during the pandemic, both in terms of mutual support and the opportunity to influence internal policies and procedures, the most significant being:

- a. Participating in the review of recruitment processes and practices task and finish group
- b. Participating in the Ways of Working project, looking at how we want the OfS to look and feel as a place to work in the future.

The networks have also highlighted and celebrated national and local events relevant to their focus, enabling staff to reflect on different perspectives.

54. We undertook a pulse survey of staff last November and asked about how valuable the networks had been. We had over 320 responses to the survey and the majority of staff agreed that they had seen the value of the network to the organisation. In addition, the overall scores for the inclusion and fair treatment theme in the 2021 annual people survey have increased by 9 per cent from the 2020 survey.

Objective seven: Supporting staff to build diversity and inclusion into their work.

55. To embed our EDI aspirations, we have developed a tailored suite of EDI focused learning as part of the wider OfS learning and development programme. We take a blended learning

⁶¹ We have the following networks: Black, Asian and ethnic minority, LGBTQ+, Women's, Carers' and Parents' and Disability and Equality network.

approach, through which accessible online courses are complemented by briefings, in job and community of practice learning, to develop the required behaviours, skills and knowledge. This includes mandatory modules on key areas, such as bullying and harassment, as well as targeted learning opportunities to support colleagues in their specific job role. For example, harassment and hate crime learning is available to all staff, but by targeting those staff in direct communication with providers or students, we have been able to support and better inform those receiving reports or disclosures of information of this nature.

29. Our 2020 review of bullying and harassment has enabled OfS to establish a new approach which states our commitment to creating an inclusive culture which values diversity and is free from bullying, harassment and discrimination. Through revised policies, guidance and training we have raised staff awareness and appreciation of bullying and harassment, with the aim of preventing incidents in the workplace. By introducing new reporting tools and signposting support options, we can take action and address issues arising.
30. OfS introduced a new competency framework in 2021, which sets out how we want people in the OfS to work, with diversity embedded in each competency. The framework describes the skills, knowledge, and behaviours needed to perform our roles, apply our knowledge, and meet our objectives. This includes 'inclusive leadership' applicable to all staff to champion and be open to 'different ways of doing things' by exploring alternative styles or diverse approaches, and therefore support the value of openness and demonstrate inclusive behaviour.

Objective eight: Behaving as an inclusive employer which attracts and retains the widest pool of talent where all staff have the opportunity to unlock their potential.

56. The review of our recruitment policy and processes has enabled us to make changes to support us become a more diverse and inclusive employer and make progress against our aspirational targets. This review was undertaken by a 'task and finish group' during summer 2020 and involved colleagues from across the OfS including HR, the staff networks, union representatives and colleagues from the Data, Foresight and Analysis directorate. The final report made recommendations for changes to our recruitment policy and processes (how we approach recruitment including where we advertise, the data we collect and guidance for panels). The recommendations are now being implemented and we are monitoring progress through our aspirational EDI targets, as set out above. We will continue to monitor and analyse our recruitment data to review whether the changes we have implemented are having an impact on applicant pools, interview shortlists and appointments.